FILED
2017 APR 14 P 12:43
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TALIYA BANU ANSARI Plaintiff,

vs.

Steven Mnuchin
DEPARTMENT OF THE TREASURY

Defendant(s).

(INTERNAL REVENUE SERVICE) AGENCY

CV 17 2094 SK

CASE NO. ______

EMPLOYMENT DISCRIMINATION COMPLAINT

1. Plaintiff resides at:

Address 199 OBSIDAIN WAY

City, State & Zip Code HERCULES , CA 94547

Phone 510-206-3352

2. Defendant is located at:

Address 100 FIRST STREET

City, State & Zip Code SAN FRANCISCO, CA 94102

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

a. __ Failure to employ me.

b. __ Termination of my employment.

c. X Failure to promote me.

d. __ Other acts as specified below.

I am 64 years old IRS employee of South Indian origin with 30 years. I work complex cases. The evaluation did not represent the complexity, efficiency and quality of work perfomed. I was subject to 100 % of case work review leading me to believe that I was not performing in full mental capacity. I was assigned large number of cases with short deadlines which I succesfully met. I was told that I was not fit to do this job, when I requested access to to IMS and BNA programs to complete computation, later I discovered that manager did not know how to analyze reports generated in BNA.

5. Defendant's conduct is discriminatory with respect to the following:

a. __ My race or color.

b. __ My religion.

c. X My sex.

d. X My national origin.

e. X Other as specified below.

My Age and Repraisal for prior EEO activity TD case Number IRS-08-0659-F

6. The basic facts surrounding my claim of discrimination are:

I was promoted to Revenue Agent GS Grade 12 in Office Appeals, after my manager Ms Nan M Shimizi found out about my prior EEO activity, I faced hostility and repraisal. My efforts to work with manager failed, work atmosphere was getting worse. The frequency of incidents, and inturrpution to provide explanantion on cases I worked increased, I cooperated but it was a hostile work environment. The reprisal due to prior EEO activity resulted in MS. Nan M Shimizu reassignment but my concerns related to annual evaluation remained unaddressed. The discriminatory act started in December of 2009 , while I was assigned to Office of Appeals . I am a NTEU memeber but union was no help.

7. The alleged discrimination occurred on or about 5/9/2014.

(DATE)

8. I filed charges with the Federal Equal Employment Opportunity Commission (or the California Department of Fair Employment and Housing) regarding defendant's alleged

discriminatory conduct on or about 5/9/2014.

(DATE)

9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter (copy attached), which was received by me on or about JANUARY 17, 2017.

(DATE)

10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

Yes X No ____

11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney fees.

DATED: 4-14-2017

Taliya B-Ansari

SIGNATURE OF PLAINTIFF

(PLEASE NOTE: NOTARIZATION IS NOT REQUIRED.)

TALIYA B.ANSARI

PLAINTIFF'S NAME

(Printed or Typed)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 77960
Washington, DC 20013

Taliya Ansari, a/k/a
Lilian C.,[1]
Complainant,

v.

Jacob J. Lew,
Secretary,
Department of the Treasury
(Internal Revenue Service),
Agency.

Request No. 0520170025

Appeal No. 0120141979

Hearing No. 550-2012-00390X

Agency No. IRS120217F

DECISION ON REQUEST FOR RECONSIDERATION

Complainant timely requested reconsideration of the decision in EEOC Appeal No. 0120141979 (September 1, 2016). EEOC Regulations provide that the Commission may, in its discretion, grant a request to reconsider any previous Commission decision where the requesting party demonstrates that: (1) the appellate decision involved a clearly erroneous interpretation of material fact or law; or (2) the appellate decision will have a substantial impact on the policies, practices, or operations of the agency. See 29 C.F.R. § 1614.405(c).

At the time of events giving rise to the underlying complaint, Complainant worked as a GS-12 Tax Computation Specialist in the Appeals Division at the Agency's facility in San Francisco, California. Complainant filed an EEO complaint alleging that the Agency discriminated against her and subjected her to a hostile work environment on the bases of national origin (Asian-Indian), sex (female), and age (59), and reprisal as evidenced by multiple incidents including, inter alia, her manager subjected her to 100 percent review of her work; her manager denied her request for higher graded work and made disparaging remarks about her abilities; and on a

[1] This case has been randomly assigned a pseudonym which will replace Complainant's name when the decision is published to non-parties and the Commission's website.

recurring basis, her manager assigned her more cases, and gave her less time to complete the assignments, than similarly situated other employees.

Our prior appellate decision affirmed the Equal Employment Opportunity Commission Administrative Judge's decision by summary judgment which in favor of the Agency, concluding Complainant failed to prove her discrimination claims.

In her request for reconsideration, Complainant expresses her disagreement with the previous decision and presents some of the same arguments she raised on appeal. We emphasize that a request for reconsideration is not a second appeal to the Commission. See EEO MD-110, Ch. 9, § VII.A. Rather, a reconsideration request is an opportunity to demonstrate that the appellate decision involved a clearly erroneous interpretation of material fact or law,' or will have a substantial impact on the policies, practices, or operations of the Agency. Complainant has not done so here.

After reviewing the previous decision and the entire record, the Commission finds that the request fails to meet the criteria of 29 C.F.R. § 1614.405(c), and it is the decision of the Commission to deny the request. The decision in EEOC Appeal No. 0120141979 remains the Commission's decision. There is no further right of administrative appeal on the decision of the Commission on this request.

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (P0610)

This decision of the Commission is final, and there is no further right of administrative appeal from the Commission's decision. You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official Agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work.

RIGHT TO REQUEST COUNSEL (Z0815)

If you want to file a civil action but cannot pay the fees, costs, or security to do so, you may request permission from the court to proceed with the civil action without paying these fees or costs. Similarly, if you cannot afford an attorney to represent you in the civil action, you may request the court to appoint an attorney for you. **You must submit the requests for waiver of court costs or appointment of an attorney directly to the court, not the Commission.** The court has the sole discretion to grant or deny these types of requests.

Such requests do not alter the time limits for filing a civil action (please read the paragraph titled Complainant's Right to File a Civil Action for the specific time limits).

FOR THE COMMISSION:

Carlton M. Hadden

Carlton M. Hadden, Director
Office of Federal Operations

JAN 1 7 2017

Date

CERTIFICATE OF MAILING

For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to the following recipients on the date below:

Taliya Ansari,
199 Obsidian Way
Hercules, CA 94547

Mariam G. Harvey, Director, EO Programs
Department of the Treasury
Office of Civil Rights and Diversity
1500 Pennsylvania Avenue NW
Attn: Met Square, Suite 445
Washington DC 20220

JAN 17 2017
Date

Stefanie A
Compliance and Control Division